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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose CARVAJAL-Saldana,

Defendant

Magistrate Docket No.

08 FEB 26 AM 9:47

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:


DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

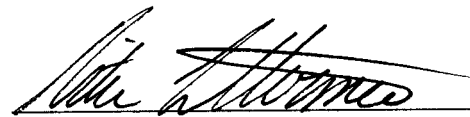
On or about **February 24, 2008** within the Southern District of California, defendant, **Jose CARVAJAL-Saldana**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **February 2008**


 Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

On February 24, 2008, Senior Border Patrol Agent B. Barnard was patrolling in the vicinity of Tecate, California when he received a report via service radio from Agent A. Careaga of three individuals that had observed via infrared scope. This area is approximately five miles east of the Tecate, California Port of Entry and two miles north of the United States/Mexico international boundary.

Upon arriving at the area, Agent Barnard encountered three individuals attempting to conceal themselves in some thick brush. Agent Barnard identified himself as a U.S. Border Patrol Agent and questioned all three individuals as to their citizenship and immigration status. All three individuals, including one later identified as the defendant **Jose CARVAJAL-Saldana**, admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 11:30 p.m., Agent Barnard arrested the defendant and the other two subjects and transported them to the Tecate, California Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 6, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.